IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket
MATTHEUS JACOBUS VAN DER MEER	NL 030914
	Confirmation No. 9392
Serial No. 10/565,931	Group Art Unit: 3724
Filed: JANUARY 20, 2006	Examiner: PETERSON, K.E.
Title: SHAVING APPARATUS	

Mail Stop Appeal Brief-Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellant herewith respectfully presents a Brief on Appeal as follows, where a Notice of Appeal is concurrently filed:

REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of record Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1, 3 and 5-8 are pending in this application, where claims 2 and 4 had been canceled. Claims 1, 3 and 5-8 are rejected in the Final Office Action mailed in October 8, 2009. Claims 1, 3 and 5-8 are the subject of this appeal.

STATUS OF AMENDMENTS

Appellant did not file a Response to a Final Office Action mailed October 8, 2009. This Appeal Brief is in response to the Final Office Action mailed October 8, 2009, that finally rejected claims 1, 3 and 5-8.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention, for example, as recited in independent claim 1, is directed to a shaving apparatus 1. As shown in FIG 1 and described on page 3, lines 1-24, the shaving apparatus 1 comprises at least one shaving head 3 with at least one cutter 6, a trimmer 7, and a drive structure including a motor 16 and a transmission structure 17 for driving the at least one cutter 6 and the trimmer 7. The trimmer 7 is disengageable from the drive structure.

The shaving apparatus 1 further includes reversing means, such as the motor 16 via electrical conductors 32-36, shown in FIGs 5a-5b and described from page 4, line 21 to page 5, line 5, for reversing at least a portion of the drive structure between a first sense of rotation and a second, opposite sense of rotation.

As shown in FIGs 4a-5b, and described from page 3, line 32 to page 4, line 20, the shaving apparatus further includes a unidirectional clutch 22 between at least the portion of the drive structure of which the sense of rotation is reversible and the at

least one cutter 6. As shown in FIGs 5a-5b and described on page 5, lines 2-5, the reversing means co-operate with the trimmer for reversing the sense of rotation in response to an action of putting the trimmer into and out of an operation position.

The present invention, for example, as recited in independent claim 7, is directed to a shaving apparatus 1. As shown in FIG 1 and described on page 3, lines 1-24, the shaving apparatus 1 comprises at least one shaving head 3 with at least one cutter 6, a trimmer 7, and a drive structure including a motor 16 and a transmission structure 17 for driving the at least one cutter 6 and the trimmer 7. The trimmer 7 is disengageable from the drive structure.

The shaving apparatus 1 further includes reversing device, such as the motor 16 via electrical conductors 32-36, shown in FIGs 5a-5b and described from page 4, line 21 to page 5, line 5, to reverse at least a portion of the drive structure between a first sense of rotation and a second, opposite sense of rotation in

response to moving the trimmer into and out of an operation position.

As shown in FIGs 4a-5b, and described from page 3, line 32 to page 4, line 20, the shaving apparatus further includes a unidirectional clutch 22 between at least the portion of the drive structure and the at least one cutter 6.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 3, 5 and 7 of U.S. Patent Application Serial No. 10/565,931 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 3,213,536 (Futterer) in view of U.S. Patent No. 5,577,324 (Tanaka).

Whether claims 1, 3 and 5-8 of U.S. Patent Application Serial No. 10/565,931 are rejected under 35 U.S.C. §103(a) over Futterer in view of Tanaka and U.S. Patent No. 4,355,464 (Bergsma).

ARGUMENT

Claims 1, 3, 5 and 7 are said to be unpatentable over Futterer and Tanaka.

Appellant respectfully requests the Board to address the patentability of independent claims 1 and 7, and further claims 3, 5-6 and 8 as depending from independent claims 1 and 7, based on the requirements of independent claims 1 and 7. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellant herein specifically reserves the right to argue and address the patentability of claims 3, 5-6 and 8 at a later date should the separately patentable subject matter of claims 3, 5-6 and 8 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claims 1 and 7 is not intended as a waiver of Appellant's right to argue the patentability of the further claims and claim elements at that later time.

Futterer is directed to a dry shaver having two cutters. A drive shaft 1 is selectively rotated in either direction. The

shaft is rotatable in one direction for driving the first cutter (for short hair cutting) and is rotatable in the opposite direction for driving the second cutter (for long hair cutting). As recited on page 3, lines 29-44 and line 75, upon or in response to reversing the rotation direction of the drive shaft 1, **via a reversing switch 28**, either the first or the second cutters are is driven. That is, driving the first or the second cutters is achieved by "rocking the **switch 28** in the opposite switching position." (Futterer, column 4, lines 21-22; emphasis added)

Tanaka is directed to an electric shaver having a shaver head that can be changed in its orientation so as to conform to the facial configuration. As shown in FIGs 1 and 5, and described on column 8, line 62 to column 9, line 3, the Tanaka shaver has a slide grip 80 which, when pushed upward, an operating arm or driving lever 82 causes a trimmer base plate 74 to rotate upward about a shaft 73, so that blades 76a, 76b of the trimmer base plate 74 are oriented obliquely upward as shown in FIG 5. Further, when these movements are made, a driving lever 78 and the driving lever 82 are engaged with each other and operate the trimmer.

It is respectfully submitted that Tanaka and Futterer, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 7 which, amongst other patentable elements, recites (illustrative emphasis provided):

> wherein the reversing means **co-operate with the trimmer** for reversing said sense of rotation **in response to an action of putting said trimmer into and out of an operation position**.

Reversing the rotation sense in response to putting the trimmer into and out of an operation position is nowhere disclosed or suggested in Tanaka, Futterer, and combination thereof. Rather, Futterer discloses driving the first or the second cutters in response to moving the switch 28 in the opposite switching position, as specifically recited on column 4, lines 21-22. Further, Tanaka discloses to operate a trimmer when the trimmer is pushed upward by a slide grip 80.

At best, the combination of Futterer and Tanaka, discloses a trimmer which is placed in operation by pushing up a slide grip 80, and a switch that reverses the rotation direction of a drive shaft. Thus, **one** switch is used to reverse operation and **another** switch or

slide grip 80 is used to put the trimmer into an operating position. Tanaka and Futterer, alone or in combination do not disclose or suggest reversing the rotation sense in response to putting the **trimmer itself** into and out of an operation position.

Accordingly, it is respectfully requested that independent claims 1 and 7 be allowed. In addition, it is respectfully submitted that claim 3, 5 and 8 should also be allowed at least based on its dependence from independent claims 1 and 7.

Claims 1, 3 and 5-8 are said to be unpatentable over Futterer and Tanaka and Bergsma.

It is respectfully submitted that the present invention as recited in independent claims 1 and 7 are allowable over Futterer and Tanaka for the same reasons discussed above, namely, since **reversing** the rotation sense in response to putting the **trimmer** into and out of an operation position is nowhere disclosed or suggested in Tanaka, Futterer, and combination thereof. Bergsma is cited to allegedly show other features and does not remedy the deficiencies in Tanaka and Futterer.

Accordingly, it is respectfully requested that independent claims 1 and 7 be allowed. In addition, it is respectfully submitted that claims 3, 5-6 and 8 should also be allowed at least based on its dependence from independent claims 1 and 7.

In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-3 and 5-8 are patentable over Futterer, Tanaka and Bergsma.

Thus, the Examiner's rejections of claims 1-3 and 5-8 should be reversed.

Respectfully submitted,

By _____
Dicran Halajian, Reg. 39,703
Attorney for Appellant
December 7, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

CLAIMS APPENDIX

1.(Previously Presented) A shaving apparatus comprising:

at least one shaving head comprising at least one cutter;

a trimmer;

a drive structure comprising a motor and a transmission structure for driving the at least one cutter and the trimmer;

the trimmer being disengageable from the drive structure;

reversing means for reversing at least a portion of the drive structure between a first sense of rotation and a second, opposite sense of rotation; and

a unidirectional clutch between at least said portion of the drive structure of which the sense of rotation is reversible and the at least one cutter;

wherein the reversing means co-operate with the trimmer for reversing said sense of rotation in response to an action of putting said trimmer into and out of an operation position.

Claim 2 (Canceled)

3.(Previously Presented) The shaving apparatus according to claim 1, wherein the reversing means comprise switching circuitry for reversing the sense of operation of said motor.

Claim 4 (Canceled)

5.(Previously Presented) The shaving apparatus according to claim 1, wherein a portion of the transmission structure for driving the trimmer branches off from a portion of the transmission structure for driving said at least one cutter at a shaft coupled to be directly driven by the motor.

6.(Previously Presented) The shaving apparatus of claim 1, wherein the drive structure has transmission ratios for driving the trimmer with a number of cycles per unit time and for driving the at least one cutter of the at least one shaving head with a number of revolutions per unit time, such that said number of cycles per unit time of the driven trimmer is higher than said number of revolutions per unit time of the at least one driven cutter.

7.(Previously Presented) A shaving apparatus comprising:

at least one shaving head comprising at least one cutter;

a trimmer;

a drive structure comprising a motor and a transmission structure for driving the at least one cutter and the trimmer, wherein the trimmer is disengageable from the drive structure;

a reversing device configured to reverse at least a portion of the drive structure between a first sense of rotation and a second, opposite sense of rotation in response to moving the trimmer into and out of an operation position; and

a unidirectional clutch between at least said portion of the drive structure and the at least one cutter.

8.(Previously Presented) The shaving apparatus of claim 7, wherein the portion of the drive structure rotates in the first sense to drive the at least one cutter when the trimmer is in a first operation position not engaging a trimmer moving member that moves, and wherein moving the trimmer into a second operation

position for engaging the trimmer moving member reverses rotation of the portion of the drive structure to a second sense to stop driving the at least one cutter.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None